



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 6757-00

19 December 2000

[REDACTED]

This is in reference to your application for correction of your deceased former spouse's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your former spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 22 November 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

22 Nov 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO LCDR CHARLES H. [REDACTED]
[REDACTED] (PERS-00ZCB) [REDACTED] [REDACTED] NO. 00731-00

Ref: (a) BCNR memo of 20 Oct 00

1. Per reference (a), recommend the BCNR not correct LCDR [REDACTED] record to reflect that he voluntarily changed his election under the Survivor Benefit Plan (SBP) from spouse to former spouse coverage within one year of his divorce.

2. The recommendation is based on the following:

a. LCDR [REDACTED] transferred to the Retired List on 1 September 1971. He enrolled in SBP spouse coverage category on 16 March 1974. He died 15 January 2000.

b. LCDR [REDACTED] and Mrs. [REDACTED] were divorced on 6 January 1978. Their divorce included a provision to maintain survivor's benefits accruing from [REDACTED] Navy retirement pension. When LCDR [REDACTED] and Mrs. [REDACTED] divorced there was no provision to continue coverage for a former spouse under SBP.

3. LCDR [REDACTED] remarried on 8 November 1981. His new spouse became the eligible SBP beneficiary on their one-year anniversary.

[REDACTED]
[REDACTED] W
Head, Navy Retired Activities
Branch (PERS-622)